



Kip Memmott
Division Director

July 24, 2024

Alyssa Chatterjee, Executive Director
Department of Early Learning and Care
700 Summer St. NE #350
Salem, OR 97301

Dear Executive Director Chatterjee:

We have completed a review of the Department of Early Learning and Care (DELIC). The purpose of the review was to provide real-time analysis related to fundamental operational controls and processes for establishing a new state agency. These included policies, processes, and procedures related to IT, procurement, project management, and overall governance. We also reviewed specific program controls for Preschool Promise, Oregon Prenatal to Kindergarten, the Child Care Licensing Division (CCLD), and the Employment Related Daycare (ERDC) program.

Identifying and mitigating organizational start-up risks in a timely manner is critical to successful service delivery and fiscal accountability. We found DELIC leadership, with the help of partner agencies and a contractor, established many key operational controls and processes. The agency prioritized projects and policies to ensure it was operational on day one. Key strategic actions focused on ensuring essential resourcing, capabilities, and infrastructure were in place to enable critical operations and continuity of services to employees, community partners, providers, and families.

In addition to the internal work, standing up the new agency would not have been achieved without the support of the Governor's Office, the Department of Administration Services (DAS), the Oregon Department of Human Services (ODHS), and the Oregon Department of Education (ODE). Because of effective planning and actions, the agency was able to maintain service levels, and staff were able to continue work with limited interruption.

As our review was progressing, our financial audit team reviewed the Child Care and Development Fund for federal compliance in the fiscal year 2023 Statewide Single Audit.¹ Much of the fund is allocated to the ERDC program. The financial auditors found internal controls could be improved in budgeting, accounting, provider payments, and payroll. During the financial audit period, the administration of the fund was the

¹ 2024-14 [Statewide Single Audit for Fiscal Year 2023](#).

responsibility of the ELD (Early Learning Division) under ODE; however, that responsibility — including the implementation of auditor recommendations — now falls to DELC.

Agency leadership is now identifying and working on next steps to further strengthen DELC's processes, including improved internal controls, policies and procedures, and adoption of technology solutions that will modernize how early learning program staff manage grants and pay providers.

In addition to the key controls the agency is working on, we identified other areas that should be addressed. The agency could do more to:

- Coordinate early learning program management and improve provider oversight;
- Define personnel roles and responsibilities;
- Develop staffing analysis and funding requests to ensure agency is adequately staffed;
- Develop a more robust quality assurance process for CCLD's major function areas;
- Expand equity training across the agency;
- Communicate processes, policies, and procedures across the agency; and
- Continue to respond to the ERDC waitlist.

While key risks remain and more work is needed, we are issuing this management letter rather than completing an audit because of the progress the agency has made and the assurance we can provide at this time. Within this letter, we provide both assurance findings and identify areas for further work and enhancement.

As we concluded our work, media reported alleged inequities, bias, discrimination by some state employees with connections to DELC, as well as management and staff turnover.² While these allegations are concerning, human resource matters are not within the scope of this project. In accordance with Government Auditing Standards, we did not perform any investigation or review of the personnel allegations. However, we did confirm the DAS Chief Human Resource office was aware of the concerns. Also, we conducted focused interviews to determine whether the allegations were directly pertinent to the scope of this management letter.

Background

House Bill 3073 (2021) established DELC to expand and enhance early learning systems and deliver a unified early education and child care system in diverse settings. The legislation merged ELD, formally of ODE, and the ERDC, formally of ODHS. The 2023-25 Legislatively Adopted Budget for DELC was roughly \$1.34 billion. DELC also administers Preschool Promise, Baby Promise, the Oregon Prenatal to Kindergarten program, Healthy Families Oregon, and the Relief Nurseries program. The new agency became operational on July 1, 2023.

² Investigate West, March 26, 2024: "[Inequity, Mismanagement Beleaguer Oregon's Early Learning Agency, Employees Say](#)"

In addition to the various early learning programs, DELC houses the Central Background Registry, which acts as CCLD's registry of individuals who have been approved to be associated with a child care facility in Oregon. The agency offers additional regional support services, including compliance, Child Care Resource and Referral, and professional learning for early child care educators.

The Early Learning Council and Early Learning Hubs are two key partners in the early learning system. The Early Learning Council is responsible for leading cross-sector strategic planning that establishes the goals, objectives, and strategies necessary for a statewide early learning system. Regional Early Learning Hubs play a critical role in connecting and coordinating many programs that support young children and their families.

As a new agency, DELC effectively maintained service delivery because of proactive planning efforts by the agency and its partners

Upon the adoption of HB 3073, ODHS and ELD hired a consultant, Alvarez and Marsal, to determine how entrenched ERDC program administration was across ODHS. ELD again contracted with Alvarez and Marsal to plan for the transfer of ERDC and stand up DELC as its own agency.

Prior to DELC's official beginning operational date of July 1, 2023, DELC leadership focused on implementing transition projects and key internal controls. Lead staff in each functional area of the soon-to-be agency — including IT, Human Resources, Procurement, Operations, Budget, and Accounting — worked with the Alvarez and Marsal team and the internal project management office to determine what policies, procedures, and processes, Key Performance Measures or reports, and services were needed to become operational. These activities included determining minimal staffing needs, facility needs, legal and regulatory changes, and technology requirements needed for the go-live date.

Using both project management and emergency management strategies, staff created the Transition Support Center to manage and resolve any critical migration issues that might arise during the launch of the new agency. Staff also developed contingency plans in the event the agency experienced operational failures on day one. The Transition Support Center was only operational for five days because critical issues did not materialize, and the contingency plans were not used because operational failures did not occur.

Seasoned ELD staff and experienced new hires completed the transition work. Their knowledge and skills contributed to the early success in the agency's development. These included staff that would lead the agency's major functional areas. Each has many years of government experience in their respective fields. Onboarding key personnel during the months prior to July 1 gave them time to assess each area's processes and prepare each function for the transition. While still ODE employees, ELD staff were given autonomy to develop DELC processes separate from ODE in the months leading up to July 1, 2023.

The decision by the Legislature to fund a project management office was also key to the agency's ability to implement key operational controls, systems, and processes. The office oversaw and staffed multiple projects simultaneously. Project managers coordinated key projects, tracked deliverables, and when there were not enough project management personnel, trained staff in other units to use project management techniques.

DAS' staff assisted with the development of DELC's personnel system and integration into the state's human resource software, Workday. This was a time-intensive process; ultimately, their efforts resulted in no payroll errors related to the transition. DAS staff were also a resource for creating new accounts and transferring others to handle the many streams of income and expenditures the new agency would have. They continue to be a resource.

The migration of the ERDC program was complex and took years of planning

ERDC is a program that helps families pay for child care. Transferring the program to DELC was a major endeavor, requiring years of planning in advance of DELC's formation. The program needed to disentangle from ODHS and develop new processes, systems, policies, and procedures. The transfer appears to have gone relatively well. The majority of ERDC staff transferred to DELC and provider services continued, although some technical glitches resulted in late payments to providers immediately following the transition. The glitches were addressed quickly, and productivity returned to normal in August 2023.

Early ERDC planning documents show stakeholders mapped out relevant ODHS processes for staff and clients, identified the relevant systems associated with that process, and discussed areas that needed attention. Roles and responsibilities associated with the transition appeared to be delineated between ODHS and several transition teams, including members of ELD, subject matter experts, and the Governor's Office, and regular meetings were held to coordinate and address issues. From these conversations, it was decided to leave ERDC eligibility determination in its original place: within the Oregon Eligibility (ONE) IT system at ODHS. The Direct Pay unit, Child Care Policy unit, Inclusive Partners and Subsidy Suspension units were transferred over to DELC, and an IT solution was developed so staff could access the eligibility system.

After some initial hurdles, staff were able to access the IT systems needed to complete work

Many aspects of DELC's work require information services solutions: hardware, databases, and software systems to process payments and communicate information to providers and the public. DELC's information services unit played an instrumental role in establishing key IT controls for the transition.

IT staff were able to work out early issues with computers and other hardware before the agency's transition. One of the critical early issues addressed by the unit involved the migration of Microsoft Office 365. This impacted information being transferred into major software programs, like SharePoint, One Drive, Outlook, and Teams chats. DAS' Enterprise Information Services, working with DELC, escalated the issue to Microsoft. Through collaboration, the most severe issues were either resolved or downgraded in severity weeks before July 1, 2023. While issues with SharePoint and other programs persisted beyond July 1, they were mostly resolved two weeks later.

Another success was the adoption of the Awards Management System. Prior to DELC, ELD used the Electronic Grant Management System, an antiquated ODE system, to pay providers for various grant-funded programs, including Preschool Promise and Oregon Prenatal to Kindergarten, among others. Due to its age, DELC leadership chose an off-the-shelf system to better meet DELC's needs. Implementation occurred within a three-month timeframe. Agency leadership surveyed staff who worked on the Awards

Management System project to capture lessons learned and to improve future processes. Although some DELC grants managers still used the original ODE system to pay out 2022-23 grant funds, the new system was adopted shortly thereafter.

DELC procurement staff focused on delivering timely provider grant agreements

ELD has struggled in the past to deliver timely grant agreements to providers. Therefore, DELC staff prioritized creating grant agreements and delivering them to partners before July 1. Agency staff said they were able to get 98% of grant agreements out prior to the start of the 2023-25 biennium. Crucial to this accomplishment was the establishment of a dedicated agency procurement team. To improve procedures moving forward, procurement staff have created timelines and processes to set expectations and help staff submit timely work requests and have developed contract and grant templates.

The agency is establishing IT system improvements and developing internal policies and procedures to address identified risks

The agency continues to adopt processes, systems, and policies that address the agency's business risks and needs. Two of the key projects are the implementation of the second phase of the Awards Management System, and the development and implementation of a Provider Management Platform that will allow DELC to manage provider information and pay ERDC providers more efficiently.

The implementation of the Provider Management Platform will modernize the ERDC provider payment process, which is primarily paper-based. Currently, providers submit invoices to ERDC staff, who process and approve payments. Checks are then printed by DAS and sent to providers. The new platform processes will be automated, and provider payment accounting will be linked to Statewide Financial Management Services, the state's accounting system. The contractor has been selected and the scope of work is currently being negotiated. The goal is to have the platform in place in 2025.

Currently, the agency is evaluating its process for approving policies and procedures. Other policies and procedures that are important for day-to-day functions are being prioritized and created, including travel policies and leave requests. The next strategic priority is to ensure staff are trained, and policies and procedures are easily accessible.

Additionally, the agency focused on adopting many processes that families, providers, and the public would need. That included building the external DELC website.

Addressing potential risks in key areas will help the agency enhance statewide coordination of early learning services

While ELD leadership, staff, and partners did their best to anticipate DELC's needs, there is more to be done so the agency can meet its mission. While addressing our initial audit objective of looking at the transition, we identified several potential risks and challenges that could lead to the agency's success in coordinating early learning services.

Coordination among Early Learning program management and in-person provider oversight could be improved to achieve legislative intent

In the absence of a unified grant management system, the early learning programs have developed their own policies, processes, and procedures. Program decisions are made independent of one another. Considering the programs have similar goals and work in the same communities, with some of the same families and providers, this can be problematic. Compounding this issue is the fact that coordination and communication among programs is inconsistent. Better coordination among Preschool Promise, Oregon Prenatal to Kindergarten, and other programs could mean more children are served.

For example, Oregon Prenatal to Kindergarten and Preschool Promise were experiencing under-enrollment at various sites across the state. Each program used different criteria and processes to make decisions on what to do with each site. This may have caused confusion among providers, and a decision in one program may have impacted providers' capacity to provide services in another program.

In 2022, the Head Start and Early Learning Hub Associations shared with ELD various recommendations to improve implementation of Preschool Promise and Head Start. Among other concerns, members of the associations said that the siloed effect of program management increased the risk of bolstering one program to the detriment of others.

Agency leadership has expressed the need to align child care and early education programs where appropriate and has met with program managers to discuss joint monitoring of grants. Separately, program managers are convening joint meetings with partners in communities. Leadership still needs to develop a clear plan outlining the steps needed and outcomes intended for program alignment. Additionally, staff, agency leadership, and partners will need to work in concert to make meaningful improvements.

Currently, there is no single place to store and access provider information for the early learning programs. Providers submit grant applications, expense reports, and other deliverables to each program individually, either by email or through online document depositories. This is not an efficient system and inhibits the ability to measure systemic program effectiveness and outcomes. Phase two of the Awards Management System implementation project, slated for late 2024, intends to give providers and program and grant managers a central point for grant management.

Data and communication processes, resources, and attention have been unevenly applied across siloed programs for years. Taking steps to align program processes, policies, and procedures, as well as to coordinate program communication and data, will help the agency progress toward its goal of a unified early education system and more efficient, modern service delivery.

For Preschool Promise and Oregon Prenatal to Kindergarten, in-person provider oversight is lacking. Program staff review provider reports on a regular basis; however, the agency lacks staffing capacity to provide in-person oversight, including site visits. As a result, while the agency can assess on paper whether providers are complying with the grant agreements, DELC staff are unable to assess the quality of the education that is provided and, in turn, whether the programs are fulfilling legislative intent. Agency leadership asked the Legislature during the 2023 session for additional positions to provide quality assurance capacity for Preschool Promise, but this request was not funded.

Better defining roles, closing staffing gaps, and improving organization structure would help DELC to better achieve its goals

The agency should continue to define and document staff roles and responsibilities. Agency leadership said they are working with the Early Learning Council and the Early Learning Hub Directors to redefine the core responsibilities of the Early Learning Hubs and determine what state and regional infrastructure is needed to support them.

It is unclear who the responsible person or persons are for holding Early Learning Hubs accountable to grant requirements and deliverables. Agency leadership should develop policies and procedures that communicate who is responsible for holding grantees responsible.

Other areas of the agency could use attention. Grant management — including approval of payments — and program administration for the same programs occur in different sections, which staff said has caused confusion. There is a need to help coordinate enrollments for all programs in a way that meets families' needs, as well as maximizes state resources and provider capacity. Yet, Coordinated Enrollment staff, which in theory would be serving in this role, only support enrollment for the Preschool Promise program. These positions could be folded into the Preschool Promise program to support program administration, or reimagined to coordinate enrollment for all programs.

Before DELC became an agency, ELD leadership and the Legislature created a staffing plan intended to have the appropriate levels of staff to conduct business. However, this does not appear to be sufficient. Half of all DELC staff members we interviewed expressed concern about current staffing levels. Recent legislative investments and the creation of DELC show early learning is a priority for the state. DELC will need more to ensure it has the capacity to handle all its responsibilities. Additional staff in Preschool Promise, in the accounting department to support the ERDC program, in the project management office, and in CCLD for policy and data analysis, among others, will be vital for the agency to meet its business needs.

Restructuring is one of DELC's top priorities. The original plan for the division of labor within the agency's structure seemed ideal; however, agency leadership has realized that some adjustments are needed, including refining position descriptions.

A more robust quality assurance process could better ensure CCLD is fairly applying administrative rules

The primary function of the CCLD within DELC is to ensure the health and safety of children within child care settings. The division licenses child care settings, conducts background checks, and enrolls child care providers in the central background registry, as well as conducting regulatory investigations internally and tandem investigations with other entities.

More can be done to ensure the division is interpreting and applying administrative rules fairly. The current process is to have a manager and other staff review decisions made by investigators. This is an important step that occurs within the span of the investigation. Managers also review investigators' work for performance issues. Recently, the agency began an internal study to evaluate the accuracy of the prescribed risk value assigned to each administrative rule to its potential or actual risk of harm to children.

The goal of this study is to increase transparency and reduce subjectivity by creating a matrix of actions taken for rule violations. While this is an important step, this study that has yet to be completed. The agency should create a formal quality assurance process that regularly and comprehensively looks at the decisions made by investigators. An analysis of this kind could lead to identifying gaps and areas of improvement CCLD could address to ensure better service delivery.

DELC could apply a similar quality assurance process to background check decisions. Although many of the factors that are used to make background check decisions are outlined in statutes and administrative rules, there is still some room for staff discretion. Additionally, the current CCLD legacy data system does not support complicated data analysis, although the new Provider Management Platform may provide some needed data solutions. According to the CCLD Director, to conduct these types of analysis, the agency would need to build more capacity. Until this is possible, the agency could direct the yet-to-be hired internal auditor to analyze CCLD processes.

CCLD investigates complaints that may violate a regulation — that is, administrative rule. Although there is an internal process to screen complaints in CCLD, this does not extend to all customer complaints across the agency. Establishing infrastructure to address all customer feedback will be helpful. This effort may need the support of partners and the Legislature.

Implementing the Diversity, Equity and Inclusion plan and expanding equity and anti-bias training will help the agency

According to media reporting, there has been turnover in recent years of positions directly responsible for equity-related initiatives within ELD, now DELC. This may have impacted the agency's ability to create and sustain Diversity, Equity and Inclusion (DEI) efforts. The scope of this review did not include an assessment of DELC DEI initiatives. Recently, DELC has published its 2023-26 DEI Action Plan on its website.

The agency has also developed and required bias and equity training for agency managers. As all staff could benefit from this training, we recommend the agency expand its equity and bias training and require it for all staff.

According to agency leadership, DELC has many equity-related initiatives, including designing and rolling out a Social Equity in Practice training later in 2024 and incorporating an Equity 101 training into new employee orientation. Reducing turnover by retaining key staff will help the agency better achieve these equity-related goals.

The previous decision by ELD leadership to stabilize the Preschool Promise program during the pandemic highlights the need to document and communicate decisions

In 2020, many of Oregon's non-essential businesses closed their doors because of the Governor's "Stay Home, Stay Safe" COVID-19 Executive Order. ELD leadership decided to continue paying Preschool Promise providers for slots for low-income children in early learning facilities. This created public and legislative concern. ELD wanted to support providers in a global pandemic, especially since there are so

many challenges for Oregon communities to sustain preschool and child care options for families. Had the providers closed business, there likely would have been dramatic effects.

However, when auditors asked for documentation to show when and why the initial decision was made and how it was communicated to providers and the public, DELC staff were unable to provide that information. The pandemic was a chaotic time; it is in these crucial times agencies should provide assurance and accountability for their decisions. In 2022, program managers began factoring in child enrollment again and set a 100% enrollment expectation in November 2023. Moving forward, the agency should clearly document policy decisions.

The Preschool Promise program has seen change each biennium as it grows across the state. Stability and predictability in process will help program staff and providers moving forward.

The ERDC program will need continued support to meet demand

Enrollment in the ERDC program increased 50% between 2021-23 due to the expanded eligibility options granted through HB 3073, resulting in a waitlist. In anticipation of the waitlist, DELC hired a consultant to coordinate external communication and waitlist logistics. A high-level systems plan was created to clearly identify how ERDC works with ODHS and the ONE system. Staff meet regularly to support the waitlist implementation, the DELC website is up-to-date with guidance for families and providers, and the department has moved all ERDC-related projects into one single project.

Although an additional investment to the ERDC was made in the 2024 legislative session, there continues to be a waitlist. DELC staff will need to provide ongoing support, including constant communication with families, for activities related to the waitlist — a heavy lift.

The work that went into establishing DELC as an agency was extensive. Agency staff and partners focused on developing policies, procedures, and plans to make the agency function with minimal interference. Their preparation resulted in success, but the work continues. The agency will need to ensure internal controls are designed, implemented, and operating to achieve its goals. Management will also need to address staffing concerns and establish a distinct agency identity — all while ensuring services are delivered and recent legislative changes to programs are put into practice. Continued support from the Legislature and partners will be needed for DELC's continued success.

I appreciate your staff's continued assistance and cooperation during this review. Should you have any questions, please contact Andrew.m.love@sos.oregon.gov or Danielle.moreau@sos.oregon.gov.

Sincerely,

Office of the Secretary of State, Audits Division



Oregon

Tina Kotek, Governor



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July 19, 2024

Kip Memmott, Director

Secretary of State, Audits Division

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Dear Mr. Memmott,

The Department of Early Learning and Care (DELIC) appreciates the time and review that was put into the audit of fundamental operational controls and processes necessary for DELIC to establish as a new state agency. This letter provides a written response to the Audits Division's management letter. The launch of DELIC was a monumental undertaking and staff at every level of the agency demonstrated tremendous dedication and professionalism in standing up programs, processes, and structures. We greatly appreciate the opportunity to receive this valuable feedback at the early stages of our development as an agency and accept the identified areas of improvement. Continuous improvement, is one of the six core values established by the agency and in that spirit, we would like to share our commitments in several areas outlined in your management letter:

Program Coordination and Organizational Structure

As a new agency, we will continue to prioritize the development of internal policies, processes, and procedures and have recently restructured our intranet to make these resources more easily accessible. We have implemented a shift to a dual deputy model with the start of our new Deputy Director of Programs as we focus on the integration of programs and child care licensing through the new Programs Division. This structural shift will allow us to more clearly define personnel roles and responsibilities while coordinating early learning program management.

We appreciate the recognition of the impact of the COVID-19 pandemic on agencies. Since the first statewide expansion of Preschool Promise in 2020, the Early Learning Division, now DELIC, has implemented multiple policies to maximize resources to communities, while providing stable funding sources for high-quality preschool programs across the state. This includes requiring programs to be open prior to receiving an executed grant agreement, establishing

The Mission of the Department of Early Learning and Care fosters coordinated, culturally appropriate, and family-centered services that recognize and respect the strengths and needs of all children, families, and early learning and care professionals. Our Vision is that all children, families, early care and education professionals, and communities are supported and empowered to thrive.



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enrollment minimums and associated corrective action plans, and launching a Preschool Promise dashboard to track enrollment throughout the program year. These changes have resulted in over 320 slots being redistributed to communities through a new reallocation process, with services set to begin in September 2024. Our team will continue to review and improve processes, leveraging the new Divisional structure to promote consistent documentation protocols go all early learning programs going forward.

Child Care Licensing Quality Assurance

The Child Care Licensing Division (CCLD) has been focusing on differentiating between serious and non-serious violations using risk-assessed rules to provide a consistent and reasonable approach to regulation. This approach, looking at each child care rule and assessing the risk to children if violated, will provide a strong foundation for CCLD to determine rule violations in a consistent, statewide manner. This approach will also enable DELC to track violations on a statewide level for broader analysis and policy change. This is just the first step in CCLD's strategy for using risk assessments; this framework will also inform determinations for civil penalties, citations, and legal actions.

CCLD also is in the process of creating a report which will bring a statewide view rule violation "categories," patterns, trends, and how we interpret various rules. This data will allow CCLD to focus technical assistance efforts in the field related to noncompliance categories, and potentially create KPMs to create goals to reduce noncompliance through education and prevention.

Recently, CCLD implemented a new approach to looking at Central Background Registry (Oregon's child care background check) application status in a Smartsheet format. Using a Smartsheet has brought a new layer of quality assurance to track timeliness, understanding how many applications are in each step of the process, and ensuring work is flowing smoothly and consistently between teams.

In addition to risk assessments and background checks, CCLD has reports that track timelines of visits, including all licensing visits: unannounced monitoring, renewals, injury response, compliance verification and complaints. Tracking this information is a useful tool for managers to ensure consistent service delivery across the state, as well as compliance with federal Child Care Development Fund (CCDF) state plan timelines.

Social Equity Office Services

We appreciate the observations and recommendations to address equity within DELC. The establishment of a new Social Equity Office has allowed DELC to develop its own trainings and resources for staff. The first training developed by the new Office, Bias Awareness and Management, was launched in February 2024 as a required training for all managers. Based on



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the deep reflection and confidentiality required of this training, it began as a voluntary training for non-management staff. In the four months since the training became available, 136 staff – or 40% – have participated in the training, with additional training opportunities being offered throughout the calendar year. DELC leadership plans to review the participation trends for this training and review the recommendation to make this training mandatory for all staff, alongside the Equity 101 training in development.

The Social Equity Office has continued to work closely with the DAS Office of Cultural Change (OCC) and is part of an enterprise-wide workgroup of DEI leaders and has actively participated in the DEI enterprise-wide Training Committee led by OCC. With the release of DELC's DEI Action Plan, the Social Equity Office is working on the launch of several initiatives, including establishing an internal DEI Action Team with representation from across the agency, releasing Microaggression educational materials, offering continuing conversation sessions, equity lens tools, and learning modules for interested staff.

DELC leadership also brought on Workplace Change to help conduct a culture assessment with all staff through one-one interviews, focus groups, and surveys. This culture assessment was meant to gain deeper understanding of our workplace dynamics in addition to our Gallup Employee Engagement Survey and determine the appropriate areas of improvement. The culture assessment is ongoing, and the results and recommendations will be presented to leadership and staff in the fall.

DELC is an agency that values continual learning and improvement, and we welcome future opportunities for feedback. DELC appreciates your office's work and your staff's dedication throughout this evaluation.

If you have questions or need any additional information, please contact me.

Alyssa Chatterjee, Director

Department of Early Learning and Care